

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JEAN AZOR EL,

Plaintiff,

-against-

ANTHONY SALOV, et al.,

Defendants.

20cv10857 (PAE) (DF)

ORDER OF SERVICE

DEBRA FREEMAN, United States Magistrate Judge:

As plaintiff Jean Azor El (“Plaintiff”) has been granted permission to proceed in this action *in forma pauperis* (“IFP”), he is entitled to rely on the Court and the U.S. Marshals Service to effect service of process on Defendants. *See Walker v. Schult*, 717 F.3d. 119, 123 (2d Cir. 2013); 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP). Rule 4(m) of the Federal Rules of Civil Procedure generally requires service of the summons and complaint to be completed within 90 days of the date the summons issues, and it is Plaintiff’s responsibility to request, if necessary, an extension of time for service. *Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012); *but see Murray v. Pataki*, 278 F. App’x 50, 51-52 (2d Cir. 2010) (“As long as the [plaintiff proceeding IFP] provides the information necessary to identify the defendant, the Marshals’ failure to effect service automatically constitutes ‘good cause’ for an extension of time within the meaning of Rule 4(m.”).

To allow Plaintiff to effect service on defendants Sergeant Darwin Marrero and Police Officer Richard DiDonato through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for each of

these defendants. The Clerk of Court is further instructed to issue a summons and deliver to the Marshals Service all of the paperwork necessary for the Marshals Service to effect service upon these defendants.

The Clerk of Court is directed to mail a copy of this Order to Plaintiff, at the address reflected on the Docket and shown below. Plaintiff is cautioned that, if his address changes, then he must promptly notify the Court, in writing, of his new address, and, if he fails to do so, his case may be dismissed for failure to prosecute.

Dated: April 19, 2021
New York, New York

SO ORDERED



DEBRA FREEMAN
United States Magistrate Judge

Copies to

Mr. Jean Azor El
NYSID: 07315251M
B&C: 4411905123
N.I.C. Infirmary
15-00 Hazen St.
Dorm #3
East Elmhurst, NY 11370

All counsel (via ECF)

DEFENDANTS AND SERVICE ADDRESSES

1. Sergeant Darwin Marrero
25th Precinct
120 East 119th Street
New York, New York 10035

2. Police Officer Richard DiDonato
Police Laboratory, Firearms Analysis Section
150-14 Jamaica Avenue
Jamaica, New York 11432